

quest of parties interested the public hearing heretofore set in this investigation to be held on January 12, 1937, is hereby postponed until January 26, 1937.

By order of the United States Tariff Commission this 23rd day of December 1936.

[SEAL]

SIDNEY MORGAN, *Secretary*.

[F. R. Doc. 3959—Filed, December 24, 1936; 10:28 a. m.]

Tuesday, December 29, 1936

No. 204

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

1937 NAVAL STORES CONSERVATION PROGRAM

BULLETIN NO. 1¹

The Secretary of Agriculture, pursuant to the authority vested in him by Section 8 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936,² proposes to make payments to those producers of gum naval stores who operate their turpentine farms in accordance with the procedure outlined below.

Definition of Terms

1. *Turpentine farm*.—The land and turpentine timber owned or leased, or operated on a share-crop basis, and under one management, which is being operated for the production of gum naval stores, and generally referred to as a "turpentine place."

2. *Gum Naval Stores*.—Crude gum (oleoresin), gum turpentine, and gum rosin produced from live trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

3. *Producer*.—Any person or persons, firm, partnership, or corporation operating a turpentine farm or "place" (whether wholly or partially under fee ownership, cash lease, percentage lease, or other control) producing gum naval stores and regardless of how or where the raw product may be processed.

4. *Face*.—The whole wound or aggregate of streaks made by chipping, streaking, or pulling live trees to stimulate the flow of gum.

5. *Cup*.—A metal, clay, or other container hung on or below the face to accumulate the flow of gum.

6. *Tins*.—The gutters or aprons, made of sheet metal or other material, used to aid in conducting the crude gum (oleoresin) from a face into a cup.

7. *Crop*.—10,000 turpentine faces.

8. *D. b. h.*.—Diameter of tree measured at breast height, i. e., at 4½ feet from the ground.

9. *Turpentine Season*.—The entire calendar year or such shorter period within the year during which a producer is operating his turpentine farm for the production of gum naval stores.

Kind of Payments

Payment will be made to producers who in 1937 carry out the following approved practices (with respect to turpentine places currently being worked for 1937) beginning on or within time limits to be established by the Forest Service of the United States Department of Agriculture.

Duration of Program

The period during which this program is to be in effect is the period January 1 to November 30, 1937, inclusive.

¹For the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1937.

²49 Stat. 1148.

Conditions of Payment—Performance required

In order to qualify for payment, producers shall meet the following requirements:

(1) No new (virgin) faces shall be operated during the 1937 turpentine season on trees less than nine inches d. b. h. on any turpentine farm or portion of any such farm owned or controlled by the applicant producer (whether such farm is covered by a work sheet and an application or not).

(2) No faces (either old or new) shall be operated during the 1937 turpentine season on trees less than nine inches d. b. h. on any turpentine farm which is covered by a work sheet and an application.

(3) Tins and cups must be removed, within time limits established by the Forest Service of the United States Department of Agriculture, from all trees less than nine inches d. b. h. on which faces have been operated prior to 1937, except that where trees have been boxed, i. e., cut into at the base of tree to form a cup, satisfactory evidence that such trees were not operated during the period of the program will be accepted as the equivalent of actual removal of tins and cups.

(4) Any turpentine farm or place covered by a work sheet and an application shall be operated in accordance with the following recognized good turpentine practices:

(a) Streaks shall not exceed an average of ¾ inch in depth (horizontally) at the deepest point, exclusive of bark.

(b) Streaks shall not exceed an average of one-half inch in height (vertically). Total streaks per face between January 1 and November 15, 1937, shall not exceed an aggregate total of 18 inches in vertical measurement (average of measurements between shoulders of first streak and shoulders of last streak).

(c) Total height of face on any tree shall not exceed 90 inches at the beginning of the season in average vertical measurement between shoulders of first streak and shoulders of last streak including jump streaks.

(d) No tree shall have any new (first-year) back face unless a bark-bar on each side of the back face is provided, the total of the two being not less than 8 inches in width and the narrower of which is not less than 3 inches in width, measured horizontally along the bark surface.

(e) No tree that is less than 14 inches d. b. h. shall have more than one face currently worked.

(5) The applicant producer shall protect from fire the forest land within his turpentine farm owned, leased, or otherwise controlled during the 1937 turpentine season to the best of his ability, and in doing so, shall cooperate with the State and Federal governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated. Accidental fires or fires clearly not due to the negligence of the applicant shall not constitute non-compliance with this provision. Where a producer has been unable to provide satisfactory fire protection for his producing area in 1937, he must take such steps as are practicable and necessary during 1937 to provide more adequate fire protection during 1938.

(6) Each producer in measuring his trees to determine those on which operation shall respectively be continued or discontinued under the program shall make an accurate count, by drifts, lots, or other suitable units, of all faces separately as to those that are to remain in operation and those which are not; and he shall make and keep a record thereof; and such record shall be made available to any field inspector who is responsible for inspecting his operation under the program. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of the program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, and otherwise facilitating the work of the inspectors in checking compliance with the terms and conditions of the program.

Rates of Payment

In connection with the utilization, during the period of February 1, 1937, to November 15, 1937, of land devoted to growing trees for the production of gum naval stores, payment will be made (subject to the conditions set forth herein) at the following rates:

(1) 1 cent per face in continuous operation during the 1937 turpentine season and meeting the following specifications:

- (a) On trees not less than nine inches d. b. h.
- (b) 90 inches or less in height at the beginning of the 1937 season, height measured vertically from the first wound streak to the shoulder of the last streak, inclusive of jump streaks.
- (c) Operated for two or more months in 1936 or operation discontinued under the 1936 conservation program.
- (d) Bearing not less than 16 streaks for the 1937 season which streaks shall have been placed at no greater frequency than two streaks per week.

(2) 4 cents per face not operated at any time during the 1937 turpentine season and meeting the following specifications:

- (a) On trees less than 9 inches d. b. h.
- (b) 90 inches or less in height at the beginning of the 1937 season, height measured vertically from the first wound streak to the shoulder of the last streak, inclusive of jump streaks.
- (c) Operated for two or more months in 1936 or operation discontinued under the 1936 conservation program.

Application and eligibility for payment

(a) *Filing of work sheet and application.*—Payments will be made upon the basis of facts established in an application for payment properly executed on a prescribed form and filed in a district or regional office of the Forest Service, United States Department of Agriculture. Each person filing an application for payment will be required to show that a work sheet has been properly executed covering, separately, each turpentine farm owned, leased, or otherwise controlled, and being operated by him, with respect to which an application for payment is filed.

An application for payment may be made by (1) any producer who is actively engaged in the production of gum naval stores in the period from February 1, 1937 to November 15, 1937, on land owned, leased, or otherwise controlled by him; or (2) such other persons as may be designated by the Secretary.

(b) *Time limit for filing work sheets and applications.*—Work sheets and applications shall be filed within time limits established by the Forest Service.

(c) *Producer eligible for payment.*—Payment will be made to the producer who conducts the turpentine operation and who executes the application for payment. In the event one producer conducts the operation of a turpentine place during a portion of the 1937 season and another producer (or producers) conducts the operation of the turpentine place during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine place during the season or the payments shall be divided between such producers on the basis of a mutual agreement between them.

(d) *Time of payment.*—Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed (such inspection to be made on or about November 15, 1937) and after an application for payment has been filed with respect to such farm.

The 1937 Naval Stores Program has been developed in accordance with the provisions of Section 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of

participation in the program. The rates of payment herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent¹ participation. Assuming the foregoing appropriation to be made, the rates of payment may be increased or decreased not in excess of 10 percent, depending upon the extent of participation.

Administration

The field work in connection with this program shall be administered by the Forest Service of the United States Department of Agriculture through the Office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia.

In testimony whereof [H. A. Wallace], Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 28th day of December 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Dec. 3962—Filed, December 28, 1936; 11:37 a. m.]

Bureau of Dairy Industry.

BDI Order No. 1—Revised

Issued, Dec. 24, 1936.

REGULATIONS FOR CARRYING INTO EFFECT THE PROCESS OR
RENOVATED BUTTER ACT

INTRODUCTION

Under authority conferred upon the Secretary of Agriculture by the act of Congress approved May 9, 1902, entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any state, or territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine approved August 2, 1896,'" (32 Stat., 193-197; U. S. C. Title 26, Sec. 990-997); and by the act of Congress approved August 10, 1912, entitled "An act making appropriations for the Department of Agriculture, for the fiscal year ending June 30, 1913," (37 Stat., 273); the following regulations are made and are hereby promulgated, which for purposes of identification are designated B. D. I. Order No. 1—Revised, superseding S. R. A. 1—Bureau Dairying, issued April 1925; and B. D. Order 1, issued February 14, 1925; which are hereby revoked.

[SEAL]

HENRY A. WALLACE,
Secretary of Agriculture.

DECEMBER 24, 1936.

REGULATION 1—SHORT TITLE OF ACT

For the purpose of these regulations the act entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An Act Defining Butter', also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine approved Aug. 2, 1896", approved May 9, 1902 (32 Stat. 193-199; U. S. C. Title 26, Sec. 990-997); as amended by the act of August 10, 1912 (37 Stat. 273, U. S. C. Title 26, Sec. 997 (c)), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913", shall be known and referred to as The Process or Renovated Butter Act. The Chief of the Bureau

¹That is, 85 percent of producers qualifying for payment on 85 percent of their faces, or actual qualification by 72.25 percent of all second year and older faces.

of Dairy Industry is charged, under the direction of the Secretary, with the administration of these regulations.

REGULATION II—DEFINITIONS

For the purpose of these regulations the following words, phrases, names, and terms shall be construed, respectively, to mean:

SECTION 1. *The Meat Inspection Act.* The Act of June 30, 1906, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven" (34 Stat. 674-679) as reenacted by act of March 4, 1907 (34 Stat. 1260-1265; U. S. C. Title 21, Sections 71 to 94), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight", the sanitary provisions of which are made applicable to renovated butter factories by act of Aug. 10, 1912 (37 Stat. 273; U. S. C. Title 26, Sec. 997 (c)), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913."

SECTION 2. *Department.* The United States Department of Agriculture.

SECTION 3. *Bureau.* The Bureau of Dairy Industry of the United States Department of Agriculture.

SECTION 4. *Chief of Bureau.* The Administrative Head of the Bureau of Dairy Industry of the United States Department of Agriculture.

SECTION 5. *Inspector.* Any Department officer or employee authorized to perform any duties in connection with the administration of these regulations, partnerships, corporations, companies, societies, and associations, and agent, broker, officer, employee, or member thereof. This term shall import both the plural and the singular as the case may be.

SECTION 7. *Butter.* The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

SECTION 8. *Paragraph 1. Process or renovated butter.* Butter which has been subjected to any process by which it is melted, clarified, or refined, and made to resemble genuine butter, always excepting adulterated butter as defined in Section 4 of the Act of May 9, 1902 (32 Stat. 195).

Paragraph 2. Process or renovated butter must contain at least 80 percent by weight of milk fat.

Paragraph 3. The terms "process butter" and "renovated butter" are used synonymously, and it is immaterial whether a manufacturer designates the product "process butter" or "renovated butter."

REGULATION III—SANITATION AND SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER FACTORIES

SECTION 1. For the purpose of effectively administering the Process or Renovated Butter Act, rigid sanitary inspections will be made at such times and as often as necessary of all process or renovated butter factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market.

SECTION 2. Inspectors shall have access at all times by day or night to every part of any process or renovated butter factory or storehouse.

SECTION 3. Process or renovated butter factories or storehouses where process or renovated butter is manufactured, packed, prepared, or handled shall be maintained in a sanitary condition and to this end the requirements of Sections 4 to 12 of this Regulation shall be complied with.

SECTION 4. Factories where process or renovated butter is manufactured, packed, or prepared for market shall be suitably lighted, screened, and ventilated in order that sanitary conditions may be maintained. Such factories shall be supplied with proper and sufficient drainage, having proper traps or other approved sewer connections. Rooms shall be kept reasonably free from steam and other vapors by heating or proper ventilation, and all work in such factories shall be performed in a sanitary manner.

SECTION 5. All floors, ceilings, walls, pillars, partitions, platforms, stairways, etc., shall be kept in a sanitary condition, and when necessary shall be scraped, washed, painted, or otherwise treated as required. Where floors or other parts of the building, or tables or other parts of the equipment are so old or in such poor condition that they can not readily be made sanitary they shall be removed and replaced with suitable material. Walks, platforms, and approaches leading into factories shall be kept clean.

SECTION 6. All churns, melting tanks, workers, cans, vats, blowing tanks, settling tanks, trucks, trays, and other receptacles, chutes, platforms, racks, tables, and all utensils, machinery, and other equipment used in preparing, moving, cutting, chopping, and otherwise handling the materials used in the manufacture of process or renovated butter, and in all processes of manufacturing of process or renovated butter or its preparation for market, shall be kept in a sanitary condition.

SECTION 7. All factories in which milk, cream, or mixtures containing milk or cream are pumped or conducted through pipes shall be equipped with sanitary pumps, pipes, and fittings. Pumps shall be so constructed that all parts coming in contact with milk, cream, or mixtures containing milk or cream shall be made of noncorrosive metal, or shall be suitably nicked, tinned, or coated with other approved metal, and such parts shall be accessible for cleaning. Pipes shall have smooth outer and inner surfaces coated with nickel, tin, or other approved metal, and fittings shall have smooth outer and inner surfaces coated with nickel, tin, or other approved metal, and shall be of such design that no pockets or recesses occur on the inside between the pipes and fittings; provided, however, that open conductors having smooth outer and inner surfaces coated with nickel, tin, or other approved metal may be used in place of pipe. All pumps, pipes, fittings, and conductors shall be kept in a sanitary condition.

SECTION 8. Managers of process or renovated butter factories shall require employees to be cleanly. Aprons, smocks, and other outer clothing worn by employees who handle or in any way come in contact with the process or renovated butter or any ingredient entering into the manufacture of same, shall be of material that can be made sanitary by washing, and only clean garments shall be worn. All persons who handle process or renovated butter or any material entering into the manufacture of same shall be required to keep their hands clean, and they shall be required also to pay particular attention to the cleanliness of their boots and shoes.

SECTION 9. No person affected with tuberculosis or other communicable disease shall be employed in any factory where process or renovated butter is manufactured, and any employees who may be suspected of being so affected shall be reported by the inspector to the manager of the factory and to the Chief of Bureau.

SECTION 10. All water-closets, toilet rooms, and dressing rooms shall be entirely separated from the compartments in which process or renovated butter is manufactured, prepared, packed, stored, or otherwise handled; and where such rooms open into compartments in which process or renovated butter is handled they shall be provided with properly ventilated vestibules and automatically closing doors. They shall be conveniently located sufficient in number, and ample in size, and fitted with modern lavatory accommodations, including toilet paper, soap, running hot and cold water, etc., and shall be properly lighted, suitably ventilated, and kept clean and sanitary.

SECTION 11. The factory in which process or renovated butter is manufactured, prepared, packed, stored, or otherwise handled, shall be kept free from odors coming from poultry rooms, egg rooms, toilet rooms, catch basins, or any other objectionable source, and shall be kept free from flies and other vermin; and all rooms or compartments shall be provided with cuspidors so designed as to prevent them from being upset, and made of such material and construction as to be readily disinfected, and employees who expectorate shall be required to use them.

REGULATION IV—SANITATION AND SANITARY INSPECTION OF PRODUCTS OF AND MATERIAL FROM WHICH PROCESS OR RENOVATED BUTTER IS MANUFACTURED

SECTION 1. Rigid sanitary inspections will also be made of the character and condition of the materials going into the manufacture of process or renovated butter and of the quantity and quality of process or renovated butter manufactured.

SECTION 2. Due care must be taken to prevent process or renovated butter, in any stage of its manufacture, from falling on the floor, and in the event of its having so fallen, the soiled portion shall not be used. Butterfat collected from floors, drains, or catch basins shall not be used in the manufacture of process or renovated butter.

SECTION 3. Only good, clean, and wholesome water and ice shall be used in the preparation and manufacture of process or renovated butter, and whenever there is any doubt regarding the purity of the water supply, the facts shall be reported to the Chief of Bureau.

SECTION 4. Air used in blowing or aerating the oil during the process of manufacture shall be pure and clean, and shall be taken from the outside of the building; and in order to prevent the use of air which is contaminated with dust, smoke, objectionable odors, etc., some approved method of purification, such as washing or filtering through cotton, shall be provided.

SECTION 5. In manufacturing process or renovated butter all cream, milk or skim milk used must be pasteurized.

SECTION 6. All milk, skim milk, dried milk, dried skim milk, cream, and analogous substances used in the making of process or renovated butter shall be kept, stored, and handled in a sanitary manner in accordance with accepted dairy practices.

SECTION 7. All other materials including salt and butter color entering into the manufacture of process or renovated butter shall also be kept, stored, and handled in a sanitary manner.

SECTION 8. All cartons, parchment wrappers, liners, packages, tubs, cans, tins, or other containers used for packaging process or renovated butter shall be stored, kept, and handled in a sanitary manner.

REGULATION V—THE MARKING, LABELING, AND BRANDING OF PROCESS OR RENOVATED BUTTER

SECTION 1. (a) Before removal from the factory each package of process or renovated butter shall have legibly printed or stenciled on one of its sides the legend "Process Butter" or "Renovated Butter"; also the factory number, district, and State, and the net weight, in the following manner:

PROCESS BUTTER
Factory No. 2, 2d Dist., New York
Net Weight, 60 lbs.

(b) The legend "Process Butter" or "Renovated Butter" shall be in bold-face gothic letters not less than three-quarters of an inch square and the other words and figures not less than half an inch square. The color of the legend shall be in strong contrast to that of the package.

SECTION 2. The wrappers, cartons, or other containers in which prints or rolls are placed shall be branded with the legend "Process Butter" or "Renovated Butter", in bold-face gothic letters, not less than three-eighths of an inch square. Such legend shall form a strong contrast to the color of the wrapper or container. No other marks shall be made on the side of the wrapper or container on which the legend is placed.

SECTION 3. Each package must show the manufacturer's name and address or the factory number, district, and State, and bear a plain and conspicuous statement of the net weight of contents. Such wrappers, cartons, or other containers shall bear no pictorial or other representation which may create the impression that the article is butter as defined by the Act of Congress of March 4, 1923.

SECTION 4. The top surface of solid-packed goods shall be imprinted with the legend "Process Butter" or "Renovated Butter", in plain gothic letters not less than half an inch square, and impressed at least an eighth of an inch deep. Prints and rolls shall be similarly impressed with letters not

less than three-eighths of an inch square. The surface impression may be omitted from prints and rolls of less than a pound unit weight, provided there is compliance with all other requirements.

SECTION 5. With the exception of shipping marks, any marks, brands, or labels, other than those prescribed by these regulations, shall be approved by the Secretary of Agriculture before they are used on packages of process or renovated butter.

SECTION 6. Approved copies of all marks, brands, or labels shall be retained at the manufacturer's registered place of business, available for inspection by an inspector.

SECTION 7. Every manufacturer of process or renovated butter who fails to brand the product and the containers in which it is packed, is punishable by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than one month nor more than six months, or both. Every person who removes any such brands from any package of process or renovated butter is punishable by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, as provided in section 4, Act of March 3, 1891, made applicable by section 5, Act of May 9, 1902.

SECTION 8. Misbranding any article of food intended for interstate commerce, or manufactured or offered for sale in any Territory of the United States or the District of Columbia, is prohibited. That for the purposes of the Food and Drugs Act an article shall also be deemed to be misbranded.

In the case of food—

(1) If it be an imitation of, or offered for sale under the distinctive name of, another article.

(2) If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package, as originally put up, shall have been removed in whole or in part and other contents shall have been placed in such package.

(3) If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

(4) If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

No provision of these regulations shall be construed so as to relieve any person from compliance with the Federal Food and Drugs Act.

SECTION 9. Inspectors of the Department of Agriculture, appointed for the purpose by the Secretary of Agriculture, are authorized to enter all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, for the purpose of examination or inspection authorized by this Act.

SECTION 10. Periodic inspection of each factory shall be made by such inspectors who will submit a complete report to the Chief of Bureau on the sanitation of the premises, the character and condition of the materials used, and the quantity and quality of process or renovated butter produced. The sanitary provisions of the Meat Inspection Act shall apply to the sanitary inspection of process or renovated butter factories. (See Act of August 10, 1912 (37 Stat. 273).)

SECTION 11. Process or renovated butter containing any filthy, decomposed, or putrid animal or vegetable substance shall be deemed adulterated under the Food and Drugs Act.

SECTION 12. The Secretary of Agriculture will determine whether or not materials being used in the manufacture of process or renovated butter will be deleterious to health or unwholesome in the finished product. If any materials which have been so determined to be deleterious to health or unwholesome in the finished product are found to be present in any process or renovated butter, intended for, or in course of, exportation or shipment in interstate commerce, such process or renovated butter will be confiscated, as provided for in Regulation 7, Section 4 hereof.

SECTION 13. Original packages of process or renovated butter for export shall be stamped and branded as in the case of packages for domestic use and may be covered with cloth, jute, or burlap. The outer covering shall be conspicu-

ously stenciled with the legend "Process Butter" or "Renovated Butter", in bold-face gothic letters not less than an inch square, and the words "For Export Only" on the line beneath, in similar letters not less than three-eighths of an inch square.

SECTION 14. Process or renovated butter for export shall be examined by inspectors of the Department of Agriculture, who will issue a certificate as to its purity, quality, and grade, and the sufficiency of the stamps and brands. If inspection is not made before the outer coverings are placed upon the packages, the exporter may be required to remove them.

(The foregoing sections 1 to 14, have been promulgated by the Commissioner of the Internal Revenue and approved by the Secretary of the Treasury and the Secretary of Agriculture.)

SECTION 15. All marks, brands, or labels, within the meaning of these regulations shall include printed, lithographed, or embossed labels, stickers, seals, wrappers, and receptacles.

SECTION 16. Marks, brands, or labels to be affixed to process or renovated butter intended for export shall in all cases be printed in the English language, but they may also be literally translated into foreign languages.

SECTION 17. No mark, brand, stencil, sticker, label, or seal to be affixed to any tin, carton, wrapper, or other container in which process or renovated butter is placed shall be used until it is approved in its final form by the Chief of Bureau. Triplicates of new trade labels in the form of sketches, proofs, or photographic copies shall be transmitted direct or through inspectors to the Chief of Bureau for approval, and finished trade labels, cartons, or wrappers shall not be prepared in advance of such approval of sketches. After such labels, cartons, or wrappers have been printed, lithographed, or embossed in accordance with the approved sketches or proofs three each of such cartons, labels, or wrappers shall be submitted direct or through the inspectors for final approval and filing. Copies of approved labels, cartons, or wrappers shall be kept on file and available for examination by inspectors upon request.

SECTION 18. Trade labels which bear any false or deceptive names shall not be used.

REGULATION VI—REPORTS

SECTION 1. Each process or renovated butter factory shall furnish to authorized inspectors accurate information as to all matters required in making their reports.

REGULATION VII—PROCESS OR RENOVATED BUTTER INTENDED FOR OR IN THE COURSE OF INTERSTATE COMMERCE OR FOR EXPORT

SECTION 1. To determine whether or not materials used in the manufacture of process or renovated butter are deleterious to health or unwholesome in the finished product, a sample of such butter shall be taken.

SECTION 2. Such sample shall be drawn in the following manner:

A sample will be taken from every package of each lot. However, (A) if a lot includes two or more packages from one churning, a sample may be taken from one package only; or (B) if the separate churnings are not indicated, not less than one sample from each 10 tubs may be taken. Additional samples may be taken if, in the opinion of the inspector, such action is necessary to obtain representative samples of such butter.

SECTION 3. The samples thus obtained, properly identified, shall be promptly forwarded to the Department for examination and chemical analysis.

SECTION 4. If such butter is found upon such examination and such chemical analysis to be deleterious to health or unwholesome, and such butter is intended for exportation or shipment into other States, or is in the course of exportation, or in the course of such shipment, the Secretary shall confiscate the same to prevent its use for food purposes. The Secretary may release such butter to its owner for industrial use, upon such conditions as he deems necessary to prevent its use for food purposes.

SECTION 5. Any butter suspected of being process or renovated, or adulterated, wherever found will be sampled as herein provided. The samples thus obtained, properly identified,

shall be promptly forwarded to the Department for examination and chemical analysis, together with a statement outlining the circumstances of the collection of sample.

SECTION 6. All process or renovated butter intended for exportation or in the course of exportation must be marked as provided in these regulations.

SECTION 7. All process or renovated butter consigned to a foreign country must be inspected and duly certified before delivery to any vessel, carrier, or transportation company. Officers and agents of vessels and of transportation companies transporting merchandise consigned to foreign countries shall not accept process or renovated butter for transportation and export unless accompanied by an official inspection certificate issued pursuant to these regulations, properly dated and countersigned by an inspector. No vessel having on board any process or renovated butter for exportation from any port of the United States will be cleared until the owner or shipper shall obtain an inspection certificate as required by these regulations, attesting to the purity, legal composition, and suitability for export of such process or renovated butter.

SECTION 8. Owners or shippers of process or renovated butter intended for export shall apply for inspection in writing to the Chief of Bureau. The said application shall state the location or place of business of the owner or shipper and the usual place or places where the process or renovated butter may be inspected, the place or places from which it is directly transported to the exporting vessel or transportation company, and the probable frequency of exports.

SECTION 9. The Chief of Bureau shall, upon receipt of such application, designate an inspector for the service required.

SECTION 10. The owner or shipper will notify the inspector of every export shipment to be made by him, at least twelve hours in advance, and shall briefly describe the location, form of package, and quantity of process or renovated butter to be inspected. The inspector will not be required to make inspections at two or more places distantly removed from one another if the materials are to be included in one shipment, but the inspection of an entire shipment may be made at the pier or place of loading for export.

SECTION 11. Inspections of process or renovated butter for export may be made at the place of manufacture and such inspections may also be made at the place of exportation, if inspection has not previously been made, or, in the opinion of the inspector, a reinspection is necessary. The certificate for export will ordinarily be given by the inspector at the factory or at the place where the customs papers for export are prepared.

SECTION 12. The inspector will examine the merchandise specified with the least possible delay. And it will be the duty of inspectors to examine any process or renovated butter for export, upon the application, formal or informal, of transportation companies of their agents, or any such process or renovated butter about to be loaded for export, whether or not notice thereof has been received.

SECTION 13. Inspectors may make such examination of the process or renovated butter for export in such detail as in their judgment is deemed necessary to show that such butter complies with the law and the regulations. They may take samples of the same and detain the shipment, if deemed necessary, until chemical tests of samples are made. The presence, intact and properly affixed thereon, of the stamps, marks, and labels on a lot of process or renovated butter offered for export from a registered factory or factories may be accepted by an inspector as evidence of purity and of manufacture in accordance with law and these regulations, and the prescribed export certificate may then be executed by the inspector. Additional marks or labels may, however, be required by the inspector for the more complete identification of the process or renovated butter to be exported.

SECTION 14. The inspector shall complete, countersign, and issue a certificate of export. Such certificate shall be dated, shall show the names of the exporter and consignee, and shall describe the lot of process or renovated butter to which it applies. Such description shall include the State, Revenue District, and factory number of every factory repre-

sented in the lot, and the number of packages from each factory, their respective weights and the shipping marks. Such certificate shall state that the process or renovated butter in question is the product of a registered factory, of legal composition, and suitable for export. Certificates shall be numbered serially and rendered in triplicate.

SECTION 15. Only one certificate shall be issued for each consignment unless otherwise directed by the Chief of Bureau.

SECTION 16. The original certificate shall be delivered to the shipper and shall be used only for the purpose of effecting the transportation and delivery of the consignment.

SECTION 17. The duplicate of the certificate shall be delivered to the shipper and by him to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made and without which no clearance shall be given to any vessel having aboard any process or renovated butter and shall be used only by these agencies and for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the customs officer at the time of filing the master's manifest or the supplemental manifest.

SECTION 18. The triplicate of the certificate shall be retained by the inspector issuing the same.

SECTION 19. Under no circumstances shall the original or the triplicate of any certificate be used for the purpose for which it is prescribed by paragraph 17 hereof that the duplicate shall be used.

SECTION 20. No person operating any steam or sailing vessel, and no railroad or other carrier, shall receive for transportation to any foreign country any process or renovated butter, except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution, unless and until a certificate of inspection covering the same has been issued and delivered as provided in these regulations.

SECTION 21. All special requirements, if any, of foreign countries in regard to export certificates for process or renovated butter shall be complied with in respect to all certificates issued, provided such requirements are not in violation of the laws of this country or the rules and regulations promulgated under such laws.

[F. R. Doc. 3963—Filed, December 28, 1936; 11:37 a. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

INCREASING AUTHORITY OF CONTRACT MANAGEMENT BROKERS AND CONTRACT SALES BROKERS

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 642-647), and particularly by Sections 4-a and 4-l of said Act as amended, it is hereby ordered that the first sentence of the fourth paragraph of Section 1-h of Chapter V of the Regional Manual and of Chapter XIX of the State Manual be amended to read as follows:

Contract Management Brokers and Contract Sales Brokers may incur charges in behalf of the Corporation and may expend, out of revenues from properties listed with them, monies for expenses made or incurred in the performance of any of the functions or duties required or authorized to be done by this resolution or procedure promulgated thereunder, or by the Manuals, provided that if the amount to be expended exceeds \$25.00 on any particular property containing not more than one unit or \$50.00 on any property containing more than one unit during any monthly account period, the approval of the District Manager shall first be obtained except in any cases requiring emergency repairs for which the broker may incur charges not exceeding \$100.00.

Adopted by the Federal Home Loan Bank Board on December 24, 1936.

[SEAL]

H. CAULSEN, Assistant Secretary.

[F. R. Doc. 3963—Filed, December 28, 1936; 12:21 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of December A. D. 1936.

[No. MC 29647]

APPLICATION OF ROGER O. CHARLTON FOR AUTHORITY TO OPERATE AS A COMMON OR CONTRACT CARRIER

In the Matter of the Application of Roger O. Charlton, Individual, Doing Business as Charlton Bros. Transportation Co., of 1007 West Washington Street, Hagerstown, Md., for a Certificate of Public Convenience and Necessity or Permit (Form BMC 1), Authorizing Operation as a Common or Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Maryland, Pennsylvania, West Virginia, and Virginia, over the Following Routes:

Route No. 1.—Between Martinsburg, W. Va., and Baltimore, Md., via Charles Town, W. Va., Frederick and Ellicott City, Md., returning via Westminster and Emmitsburg, Md., Waynesboro, Pa., and Hagerstown, Md.

Route No. 2.—Between Harrisonburg, Va., and Harrisburg, Pa.

Route No. 3.—Between Hagerstown, Md., and Strasburg, Va., via Williamsport, Md., Martinsburg and Charles Town, W. Va., Berryville, Winchester, and Front Royal, Va., returning via Winchester, Va., Martinsburg, W. Va., and Williamsport, Md.

Route No. 4.—Between Hagerstown, Md., and Berkeley Springs, W. Va., via Williamsport, Md., Martinsburg and Hedgeville, W. Va.; returning via Hancock, and Indian Springs, Md.

Route No. 5.—Between Hagerstown, Md., and Waynesboro, Pa., via Greencastle, Chambersburg, and Fayetteville, Pa.; returning via Smithsburg, Md.

Route No. 6.—Between Hagerstown, Md., and Philadelphia, Pa.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner L. H. McDaniel for hearing on the 16th day of January A. D. 1937, at 10 o'clock a. m. (standard time), at the rooms of the Maryland Public Service Commission, Baltimore, Md., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 3966—Filed, December 28, 1936; 11:49 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of December A. D. 1936.

[No. MC 48014]

APPLICATION OF ROGER O. CHARLTON FOR AUTHORITY TO OPERATE AS A COMMON OR CONTRACT CARRIER

In the Matter of the Application of Roger O. Charlton, Individual, Doing Business as Charlton Bros. Transportation Co., of 1007 West Washington Street, Hagerstown, Md., for a Certificate of Public Convenience and Necessity or Permit (Form BMC 1), Authorizing Operation as a Common or Contract Carrier by Motor Vehicle in the Transportation of Packing House Products, Soap, Cheese, and Eggs and Kindred Commodities, in Interstate Commerce, in the States of Pennsylvania, Maryland, West Virginia, and Virginia, between Harrisburg, Pa., and Mt. Jackson, Va.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner L. H. McDaniel for hearing on the 16th day of January A. D. 1937, at 10 o'clock a. m. (standard time), at the rooms of the Maryland Public Service Commission, Baltimore, Md., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 3967—Filed, December 28, 1936; 11:50 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of December A. D. 1936.

[No. MC 69281]

APPLICATION OF THE DAVIDSON TRANSFER & STORAGE COMPANY FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of The Davidson Transfer & Storage Company, a Corporation, of 400 Key Highway, Baltimore, Md., for a Certificate of Public Convenience and Necessity (Form BMC A1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, From and Between Points Located in the States of Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Maine, Connecticut, New Hampshire, Ohio, Indiana, Michigan, Illinois, Vermont, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, and the District of Columbia, Over Irregular Routes and Over the Following Regular Routes:

Route No. 1.—Between Baltimore, Md., and New York, N. Y.

Route No. 2.—Between Baltimore Md., and Washington, D. C., via Annapolis, Md.

Route No. 3.—Between Baltimore, Md., and Alexandria, Va.

Route No. 4.—Between Baltimore, Md., and Littlestown, Pa.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner L. H. McDaniel for hearing on the 15th day of January A. D. 1937, at 10 o'clock a. m. (standard time), at the rooms of the Maryland Public Service Commission, Baltimore, Md., and for recommendation of an appropriate order thereon accompanied by the reasons therefor.

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 3965—Filed, December 28, 1936; 11:49 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of December A. D. 1936.

[No. MC 86057]

APPLICATION OF A. C. GOODWIN AND J. E. GOODWIN FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of A. C. Goodwin and J. E. Goodwin, Co-partners, Doing Business as E. & A. Goodwin & Company, of 801 South Robinson Street, Baltimore, Md., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Oils, Greases, Lubricants, etc., in Interstate Commerce, in the States of Maryland, Virginia, North Carolina, South Carolina, and District of Columbia, between Baltimore, Md., and Columbia, S. C., over U. S. Highway No. 1

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner L. H. McDaniel for hearing on the 16th day of January, A. D. 1937, at 10 o'clock a. m. (standard time), at the rooms of the Maryland Public Service Commission, Baltimore, Md., and for recommendation of an appropriate order thereon accompanied by the reasons therefor.

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the

date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3968—Filed, December 28, 1936; 11:50 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of November A. D. 1936.

[No. MC 29781]

APPLICATION OF HOEY CARTAGE COMPANY FOR AUTHORITY TO OPERATE AS A COMMON OR CONTRACT CARRIER

In the Matter of the Application of Hoey Cartage Company, a Corporation, of 426 South Sangamon Street, Chicago, Ill., for a Certificate of Public Convenience and Necessity or Permit (Form BMC 1), Authorizing Operation as a Common or Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Wisconsin, Minnesota, Iowa, Missouri, Colorado, Illinois, and Nebraska, Over the Following Routes:

Route No. 1.—Between Chicago, Ill., and St. Paul, Minn.

Route No. 2.—Between Chicago, Ill., and Omaha, Nebr.

Route No. 3.—Between Omaha, Nebr., and Denver, Colo.

Route No. 4.—Between Chicago, Ill., and Kansas City, Mo.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner F. D. Binkley for hearing on the 12th day of January A. D. 1937, at 10 o'clock a. m. (standard time), at the Hotel Sherman, Chicago, Ill., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission; Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3964—Filed, December 28, 1936; 11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

AMENDMENT TO RULE 9C-3

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 9 (c) and 20 (a) thereof, and finding that acquisitions by registered holding companies and subsidiary companies thereof of the securities specified in paragraph 10 of Rule 9C-3 as hereby amended are appropriate, within the limitations stated, in the ordinary course of business of such companies and not detrimental to the public interest or that

of investors or consumers; and finding further that the amendment of said paragraph of such rule is necessary and appropriate to carry out the provisions of said Act and not contrary to the purposes thereof, the Securities and Exchange Commission hereby takes the following action:

Paragraph 10 of Rule 9C-3 is amended to read as follows:

(10) Any such company may acquire any security issued or delivered to it as a dividend payable in stock or other securities, or as a partial or total liquidating dividend, or as a result of a change in the par value of, a split-up of, or a reduction in the number of shares of stock or shares which the issuer has outstanding.

The aforesaid amendment shall be and become effective on and after December 18, 1936.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3970—Filed, December 28, 1936; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of December A. D. 1936.

[File No. 2-2630]

IN THE MATTER OF BAGDAD COPPER CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Bagdad Copper Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered, that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on January 6, 1937, at 10 o'clock in the forenoon, at the Commission's New York Regional Office, 120 Broadway, New York, N. Y., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be, and he hereby is, designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3974—Filed, December 28, 1936; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GARDEN-HAUSCHILD FARM, FILED ON DECEMBER 12, 1936, BY DEXCO, INCORPORATED, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the

respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Item 16 (a) (iii) of Division II has omitted to state the water content;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether an order of suspension shall be entered; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 7th day of January 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3973—Filed, December 28, 1936; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23 day of December A. D. 1936.

[File No. 46-24]

IN THE MATTER OF THE MIDDLE WEST CORPORATION
NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission by The Middle West Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 1,000 shares of the Common Stock of the reorganized Missouri Gas & Electric Service Company, a subsidiary company of the applicant; which said application contains, among others, the following statements: that said common stock is now owned by Middle West Utilities Company of Canada, Limited, a wholly owned subsidiary company of the applicant; that said stock is to be acquired by the applicant for \$10,000 which represents cost to the vendor; and that such acquisition will increase the applicant's present ownership of common stock of the reorganized Missouri Gas & Electric Service Company from 50% to 53.9% of the total amount outstanding:

It is ordered that a hearing on such matter be held on January 15, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party

to such proceeding shall file a notice to that effect with the Commission on or before January 9, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be, and he hereby is, designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3975—Filed, December 28, 1936; 12:55 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December A. D. 1936.

[File No. 2-1780]

IN THE MATTER OF TRI-STATES NATURAL GAS CORPORATION
ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT
ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on December 14, 1936, consents to the withdrawal of the registration statement of the above named registrant and to that effect

It is so ordered.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3971—Filed, December 28, 1936; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23d day of December A. D. 1936.

[File No. 43-19]

IN THE MATTER OF THE MISSION OIL COMPANY
ORDER FIXING DATE FOR DECLARATION UNDER SECTION 7 TO
BECOME EFFECTIVE (PUBLIC UTILITY ACT OF 1935)

The Mission Oil Company, a registered holding company, having filed an amended declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue by declarant of \$688,200 aggregate amount of trustees certificates of beneficial interest in an unsecured 4% promissory note to be issued by Southwestern Development Company and to mature July 1, 1942, such note to be in the principal amount of \$832,985.38 but subsequent to its issuance to be reduced to the principal amount of \$688,302.88 by a cash payment thereon of \$144,682.50; notice and opportunity for hearing on said amended declaration having been given; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said amended declaration be and become effective when and as the declarant shall have received the above described promissory note from Southwestern Development Company and the aforesaid cash payment thereon of \$144,682.50 on condition that the issue of such securities be

effected in substantial compliance with all the terms and conditions set forth in said amended declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3976—Filed, December 28, 1936; 12:55 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 23rd day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA—BIERSCHENK FARM, FILED ON DECEMBER 4, 1936, BY W. R. CURRY, RESPONDENT.

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon on the 24th day of December 1936, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 9th day of January 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3979—Filed, December 28, 1936; 12:55 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GARDEN-HAUSCHILD FARM, FILED ON DECEMBER 12, 1936 BY DEXCO, INCORPORATED, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on December 21, 1936, be effective as of December 24, 1936; and

It is further ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be, and the same hereby are, revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3972—Filed, December 28, 1936; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE RATHKE-LAWSON—WADLEY-HILL FARM, FILED ON DECEMBER 19, 1936, BY R. J. CARAWAY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Division III omits to set forth clearly and fully in the estimation of recoverable oil all of the comparative data upon which such estimation is based.

(2) In that it is not fully explained how the data used in estimating the per acre yields of the North Central Texas fields which are used for comparisons were determined.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of January 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued, and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 6th day of January 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3977—Filed, December 28, 1936; 12:55 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SLICK-URSCHEL-OWEN FARM, FILED ON DECEMBER 21, 1936, BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the engineer's estimation of recoverable oil in Division III does not conform to reliable information respecting the percentage deduction from the saturation factor to account for gas in solution and the presence of connate water.

(2) In that the reasons have not been given in Division III for the use of a 20% porosity factor, a 65' sand thickness factor and an 85% saturation factor in combination with each other.

(3) In that there are contradictions in Item 13, Division II, and pp. 3 and 5 of Item 3, Division III, under heading "Drainage Area" with reference to the structural position of the Owen tract.

(4) In that insufficient facts and data are given in this offering sheet to warrant the assumption contained therein that this tract will prove commercially productive in the Wilcox sand.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 22nd day of January 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Richard Townsend, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 6th day of January 1937 at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3978—Filed, December 28, 1936; 12:55 p. m.]

Wednesday, December 30, 1936

No. 205

PRESIDENT OF THE UNITED STATES.

OCMULGEE NATIONAL MONUMENT—GEORGIA

By the President of the United States of America

A PROCLAMATION

WHEREAS the act of Congress entitled "An Act to authorize the establishment of the Ocmulgee National Monument in Bibb County, Georgia", approved June 14, 1934 (48 Stat. 958), provides, in part:

That when title to lands commonly known as the "Old Ocmulgee Fields", upon which certain Indian mounds of great historical importance are located, comprising approximately two thousand acres, in and around the city of Macon, County of Bibb, State of Georgia, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary for national-monument purposes, shall have been vested in the United States, said area shall be set aside as a national monument, by proclamation of the President, and shall be known as the "Ocmulgee National Monument":

AND WHEREAS the Secretary of the Interior has designated an area comprising 678.48 acres of such land as necessary for national-monument purposes, title to which is vested in the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the statutory provisions above set out, do proclaim that the aforesaid area as indicated on the diagram attached hereto and forming a part hereof¹ is hereby set aside as a national monument to be known as the Ocmulgee National Monument.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23d day of December, in the year of our Lord nineteen hundred and thirty-six and of the Independence of the United States of America [SEAL] the one hundred and sixty-first.

By the President, FRANKLIN D. ROOSEVELT
R. WALTON MOORE,
Acting Secretary of State.

[No. 2212]

[F. R. Doc. 3980—Filed, December 28, 1936; 2:38 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WR—B-5—Parts I, II, III, IV, V, and VI. Issued December 28, 1936
1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION
[Bulletin No. 6, Parts I, II, III, IV, V, and VI]

INSTRUCTIONS WITH RESPECT TO REPORTING PERFORMANCE AND APPLYING FOR PAYMENT UNDER THE 1936 AGRICULTURAL CONSERVATION PROGRAM FOR THE WESTERN REGION

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¹ See p. 2229.

